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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,040	12/22/2000	Christoph T. Corvin	GEMS:0123/yod 15-EC-5764	4691

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EXAMINER
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FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/747,040

**Applicant(s)**

CORVIN, CHRISTOPH T.

**Examiner**

Daniel S Felten

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9,11-19,21-37,39-43 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-9,11-19,21-37,39-43 and 45-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Receipt of the amendment filed December 4, 2003 amending claims 1, 17, 33 and 40, canceling claims 10, 20, 38 and 44, and adding claims 49-60. Claims 1-9, 11-19, 21-37, 39-43 and 45-60 are pending in the application and are presented to be examined upon their merits.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9, 11-19, 21-37, 39-43 and 45-48 have been considered but are moot in view of the new ground(s) of rejection. The allowability of claims 14, 25, 26, 31, 32, 47 and 10, 20, 38 and 44 based upon the previously cited claim language within these claims is hereby rescinded based upon newly cited references incorporated within the new grounds of rejections stated below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9, 11-19, 21-37, 39-43 and 45-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitroda (US 5,590,038) and Barlow et al (US 6,038,551) and Shkedy (US 6,260,024) in view of each other.

The newly introduced claim language of “...**receiving client-trade in data for a purchasing transaction for medical resources...**” and “...**financial transaction options tailored to the client data...**” in view of the specification has been interpreted, as discussed in Shkedy, as a forward purchase order (FPO), where in the FPO (client data) can be tailored to appropriate conditions to purchase items (see Shkedy, col. 4, ll. 60+), and specifically medical supplies (see Shkedy, col. 27, ll. 8+). See Further explanation below.

Pitroda discloses as in claims 1, 17, 21, 33,40, 49, 50, 53, and 57-60, a method for analyzing, facilitating and/or providing resources transactions for use with a medical facility (see Pitroda, col. 16, ll. 13-20; and fig. 31, col. 13-25),

As in claim 2, storing the client data on the financial transaction system (see Pitroda, Abstract),

As in claims 1, 3, 4, 40, 49, 50, 56 providing access to a financial analysis system via a network or Internet (see Pitroda, col. 16, ll. 13-20; and fig. 31, col. 13-25),

As in claims 1 and 9, receiving the client data from the network interface via the network (see Pitroda, col. 2, ll. 6+; col. 3, ll. 50+; and col. 7, ll. 63 to col. 8, 10);

As in claims 8, 19, 36, 42-57 discloses evaluating tax consequences of transactions for medical sources (Pitroda, col. 10, ll. 22+),

Analyzing the client data in the financial analysis system (see Pitroda, col. 12, ll. 59-63);

As in claims 13, 18, 40 and 46 providing a plurality of financial transaction options tailored to the client data to purchase a medical resource (see col. 12, ll. 59-63); and transaction options to client via the network (see Pitroda, col. 9, ll. 54 to col. 10, ll. 53+).

As in claims 11, 12, 16, 24, 27, 29 39 and 45 providing a plurality of financial transaction options comprises providing a plurality of payment times and payment amounts and providing a plurality of financial transactions options comprises a plurality of service options (see Pitroda, fig. 18, and 19, col. 14, ll. 33+),

As in claim 34, coupling the transaction system to the Internet (see Pitroda, col. 7, ll. 63 to col. 8, ll. 10),

As in claim 37 and 43, receiving financial data (see Pitroda, Abstract),

Barlow discloses, as in claim 5, providing medical resource information from a medical resource supplier to client via network interface (see Barlow, col. 15, ll. 11-37),

Providing a network interface for communication with the financial analysis, system the network including a form for entering client data for medical resources (see Barlow, col. 15, ll. 11-37),

As in claims 15 and 22, providing a query page for selecting a medical resource category (see Barlow, col. 15, ll. 11-37),

As in claims 22 and 23, the client data comprises a desired option for purchasing medical resources (see Barlow, col. 15, ll. 11-37),

As in claim 35, electronically transmitting to the client a purchasing agreement for medical resources (see Barlow, col. 15, ll. 11-37),

As in claim 28, comprising a client interface configured for exchanging information and procuring a financial transaction between the client and the medical resource supplier via the network (see Barlow, col. 15, ll. 11-37).

Shkedy discloses, as in claims 1, 17, 33, 40, receiving client trade-in information for purchasing transaction for medical resources (see Shkedy, col. 27, lines 8-24).

In view of Barlow it would have been obvious for an artisan of ordinary skill in the art to integrate the aforementioned features of buying medical supplies from a merchant over a public network to the teaching of Pitroda because an artisan at the time of the invention of Pitroda would recognize that such features would be obvious extension to the teachings of Pitroda by allowing providing a means to also remotely purchase medical supplies over a network in addition to supplying pertinent medical information (such as insurance) to medical facilities and suppliers. Thus such a modification would have been an obvious expedient to one of ordinary skill in the art.

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In view of Shkedy, it would have been obvious for artisan of ordinary skill in the art to integrate forward purchase orders (FPOs) of Shkedy into Pitroda's system to provide an alternative to the transfer of money by specifying equivalent goods, thus allowing a convenient means for users to use "Trade-in" information for purchasing medical resources without the actual use of money. Thus such a modification would be an obvious expedient well within the ordinary skill in the art.

Conversely, it would have been obvious to substitute the IC card in Barlow for Pitroda's card or be able to employ the use of Pitroda's card in Shkedy, because an artisan at the time of the invention would have recognized the convenience and flexibility of Pitroda's card to retrieve and transmit a plethora of data as well as supply various financial options to purchase medical supplies and other related items. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF

Daniel S Felten  
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